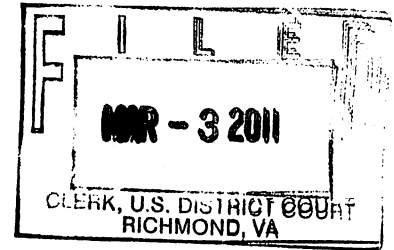


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



JAIME LUEVANO,

Petitioner,

v.

Civil Action No. 3:10CV813

CONNALLY UNIT IN TEXAS, et al.,

Respondents.

MEMORANDUM OPINION

Jaime Luevano, a Texas inmate proceeding pro se, submitted this petition for a writ of mandamus and has requested leave to proceed in forma pauperis. The pertinent statute provides:

In no event shall a prisoner bring a civil action [in forma pauperis] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Luevano has at least three other actions that have been dismissed as frivolous or for failure to state a claim. See Luevano v. Wiles, No. 2:09-CV-0271, 2009 WL 4667115, at *1 (N.D. Tex. Dec. 9, 2009) (listing cases). Luevano's vague complaints about a conspiracy do not suggest that Luevano is in imminent danger of serious physical harm. Accordingly, by Memorandum Order entered on December 13, 2010, the Court denied Luevano's request to proceed in forma pauperis and directed Luevano to pay the full \$350.00 filing fee within eleven (11) days of the date of entry thereof.

More than eleven (11) days have passed since the entry of that Memorandum Order and Luevano has not paid the filing fee.

Because Luevano has not paid the filing fee, the action will be DISMISSED WITHOUT PREJUDICE.

The Clerk of the Court is DIRECTED to send a copy of the Memorandum Opinion to Luevano.

_____/s/ *REP*_____
Robert E. Payne
Senior United States District Judge

Date: March 3, 2011
Richmond, Virginia